



VOSH PROGRAM DIRECTIVE: 01-004SR

ISSUED: May 1, 2000

SUBJECT: Responsibilities of the Central and Regional Office Directors and Managers.

A. Purpose.

This directive transmits to all personnel the VOSH Central and Regional Office Director's and Managers' Responsibilities.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

B. Scope.

This directive applies to all VOSH personnel.

C. Reference.

None.

D. Cancellation.

Not Applicable.

E. Action.

The Chief Deputy Commissioner, Directors and Managers shall ensure that field personnel understand and comply with the policies and procedures set out in this directive.

F. Effective Date.

May 1, 2000

G. Expiration Date.

Not Applicable.

H. Background and Summary.

The responsibilities and duties of the Central and Regional Office Directors and Managers for both VOSH Compliance and VOSH Consultation are set out for purposes of clarification and policy.

These guidelines exist to provide clarity and do not take precedence should they conflict with statutory law, existing Agency regulation or formal written Agency policy or procedure.

I. Guidelines - VOSH Compliance

The guidelines below outline the respective responsibilities of the Central and Regional Office Directors for the 23(g) compliance program.

1. Administrative Issues

- a. FLSA time sheets and travel vouchers for line positions will be signed by whomever has first line supervision responsibility.
- b. Leave request for line positions will be approved by whoever has first line supervision responsibility.
- c. Region Directors will review VOSH weekly management reports and ensure that the data in IMIS is current and accurate.

2. Performance Evaluations of Region Office Staff

- a. Evaluations of CSHOs will be signed by the Compliance Manager and reviewed by the Region Director. When the Region Director serves as the first line supervisor, the CDC will be the reviewer.
- a. Evaluations of region supervisory and Office Services Supervisor positions will be signed by the Region Director and reviewed by the CDC.

3. Planning

Strategic, long range and short range planning will be a team effort involving Region Directors, Program Directors and programmatic supervisors. The Commissioner will make the final determination on statewide goals and Region Directors will be responsible for meeting the respective regional portions of the goals.

4. Policy and Procedure Development

Program Directors will be responsible for policy development, including internal operational procedures and guidelines (e.g., VOSH Field Operations Manual and Program Directives), development of regulations, standards and legislative changes. Input from Region Directors is encouraged and will be solicited by Program Directors.

5. Budget

VOSH program budgets are maintained at the Central Office. Purchase requests must be sent to the Central Office for Program Director review and approval. Purchase requests shall be identified by the appropriate cost code, who will use the item requested, and justification for items that are not replacements for existing items or consumables supplies.

6. Equipment Maintenance and Purchasing

Maintenance and purchasing of equipment necessary to conduct VOSH activity will be handled by Program Directors because of the need for statewide standardization. The Program Directors will administer an equipment maintenance and purchasing budget, and update the Commissioner, CDC and Region Directors quarterly on the disposition of equipment in and equipment requests from the regions.

7. Training Scheduling and Payment

To establish an initial training baseline, Region Directors are responsible for providing to the Director of Cooperative Programs a list of training needs for VOSH personnel. For new VOSH staff, provide a list of any training they may have previously obtained. For experienced staff, provide a list of five courses that would best expand their education and skills. The Central Office will prepare the training plan based on Program Directive 13-003. Program Directors will approve funding and the Commissioner will approve the plan.

8. Travel Approval

In state travel must be approved by the front line supervisor. Out-of-state travel will be approved by the Region Director, Program Director, Chief Deputy Commissioner or Commissioner as required by the Department's travel policy.

9. Ensuring Consistency of Policy and Operations

Program Directors are responsible for ensuring consistency in program policy and procedures by:

1. enhancing centralized policy and procedure development,
2. employing sound project management techniques,
3. developing clearly and concisely written field operations publications and program directives,
4. eliminating verbal directives to VOSH staff,
5. conducting regular meetings between Program Directors and Compliance Managers, and
6. quarterly management reviews of regional activities.

10. Region Directors are responsible for ensuring consistency in program operations by:

- a. ensuring that all VOSH compliance goals are met annually,
- b. conducting all informal conferences,
- c. keeping lines of communication open between Program Directors and Compliance Managers,
- d. scheduling periodic accompanied worksite visits (inspections, abatement visits, etc.).

11. Compliance Managers are responsible for ensuring consistency in program execution by:

- a. managing compliance activities in accordance with established policies and procedures,
- b. reviewing all case files and providing feedback to compliance officers,
- c. conducting on-the-job evaluations (OJE) of compliance officer inspections,
- d. developing compliance officer proficiency through evaluation, counseling, and training.
- e. maintaining direct coordination and communication with Region Director and Program Directors.

12. Official Interpretations

Requests for official agency interpretations of laws, standards and regulations will be prepared and issued by the Program Director.

13. VOSH Significant and Contested Cases

Routine cases (non-significant cases) will be, to the extent possible, settled in the field. Significant cases are defined as those cases involving a fatality or catastrophe, willful violations or cases that receive media attention. Region Directors must send significant cases to headquarters, except under conditions outlined in item 12, below. Region

Directors will review VOSH significant and contested cases before they are sent to the Central Office. Program Directors will provide clear procedures and training or assistance as necessary to ensure that case files that arrive at headquarters are complete and accurate. If they believe that it is necessary, Region Directors may request the assistance of Program Directors on technical or legal matters on any case sent to headquarters for final disposition.

14. Settlement Agreements

- a. Regional Director's penalty settlement authority is generally up to 100%, however, all private sector serious violations must have a penalty. The Region may settle fatality cases where no fatality-related or willful violations were cited. The Region may settle fatality cases where a family member was the victim but no willful violations were cited. All other significant cases must receive settlement approval from the Central Office.
- b. Regional "penalty retention" statistics will be monitored by Program Directors and supplied to Region Directors, the CDC, and the Commissioner on a quarterly basis. Under no circumstances will a region fall below federal OSHA penalty retention levels. When penalties are significantly reduced, the Region will attempt to obtain implementation of a written safety and health program (if the employer does not have one), or improvements in an existing program (if the program is not comprehensive). Additionally, Region Directors are responsible for ensuring that proper and timely abatement of violations takes place.

15. Informal Conferences

Region Directors shall conduct informal conferences. The regions may hold informal conferences after the 15-day contest period, as long as they get the case up to the Office of Legal Support (OLS) within the current 60-day requirement.

J. Guidelines - VOSH Consultation

The following is a plan for the operation of the Consultation Program including setting goals, monitoring performance and evaluating performance of VOSH consultants. This plan will comply with Consultation Program mandates, provide confidentiality to clients, and provide for input from both the Regional Offices and Central Office. It becomes effective immediately.

1. Performance Plan

- a. The Director of Cooperative Programs will set Consultation Program goals for each region and consultant after soliciting their input. Once established, goals are not generally revised.
- b. The Consultation Program Manager will draft consultants' performance plans

based on goals and send the plans to Region Directors.

- c. Region Directors may add (but not subtract) elements to the plans so long as they comply with Consultation Program goals and mandates.
- d. After Region Directors complete the plans, they will then be reviewed and signed by the Director of Cooperative Programs and returned to the Region Directors, who will sign as the Supervisors.

2. Throughout the Year

- a. All requests for service will come through the Consultation Program Manager who assigns the appropriate consultants. Requests received in the regions will be transmitted to the Central Office.
- b. Each Friday the Consultation Program Manager will send an e-mail to Region Directors informing them of the number and types of cases that have been assigned to their respective consultants. Names of companies will not be given.
- c. Each month the Consultation Program Manager will send reports to the consultants (and copy Region Directors) so they can track their own progress toward achieving their goals. If at this time, if any consultant is not meeting any specific performance element or portion of an element, the Region Director will be contacted by the Consultation Program Manager. After review with Region Directors, the Consultation Program Manager may discuss performance concerns with consultants.
- d. The Consultation Program Manager will provide quarterly monitoring reports using IMIS data to Region Directors and will conduct quarterly meetings with Region Directors and consultants.
- e. The Consultation Program Manager will conduct accompanied visits with consultants.
- f. Region Directors will provide quarterly reports to the Director of Cooperative Programs on regional goals that are not monitored by IMIS data.
- g. Region Directors should report to the Director of Cooperative Programs any performance issues/problems that may impact the meeting of region/consultant goals.
- h. The opportunity should be provided for the Director of Cooperative Programs, or her designee, for direct communication, when needed, with program consultants based in any regional or field office. In particular, this would apply to instances where direct communication would mean quicker turnaround in resolving technical issues, clearer information due to direct pipeline, or more efficient use of central or regional staff.

- i. It is a program requirement that compliance and consultation information be kept separate. There are times when keeping particular information strictly within program confines could prevent compromising or required confidentiality.
 - j. Region Directors will be informed of and involved in major issues, situations with the potential to become major issues, and situations having broad regional implications.
 - k. All expenditure requests for consultants are to be sent through the Director of Cooperative Programs so that effective budget monitoring can be accomplished.
3. Performance Evaluation
- a. The consultation Program Manager will draft consultants' evaluations using IMIS data and quality assurance information and will forward the evaluations to Region Directors.
 - b. Region Directors will complete the evaluations and send them to the Director of Cooperative Programs who, if in agreements, will sign the evaluations as reviewer and return them to Region Directors who will then complete the evaluation interviews.
 - c. If after discussion, the Director of Cooperative Programs and the Region Director(s) do not agree on the rating, the evaluation will be referred to the Chief Deputy Commissioner for resolution.

K. General Communication Issues

1. Program Director and Region Director Communication

Program Directors and Region Directors are expected to consult with each other on a regular basis on planning, budget expenditures, personal issues, consistency, enforcement policy and procedure, significant and contested cases, performance tracking, etc.

2. Questions From Front Line Staff or Supervisors on Routing Cases and Programmatic Issues

- a. Compliance Managers, Region Directors and Program Directors are expected to consult regularly with one another. Routine questions from line staff will be handled by the Compliance Manager or Region Director. Field staff may directly contact Program Directors with the approval of the Compliance Manager or Region Director. Under no circumstances should formal directives be issued verbally to line staff.

- b. OLS attorneys may consult directly with line staff (and vice versa) on significant and contested cases assigned to OLS at any time.

3. Contacts Involving the Media

- a. Routine contacts received at either the Region or Central Offices will be handled by the respective Region or Program Director who is contacted, or referred to the other as appropriate. Good communication between the Program and Region Directors is essential to ensure consistency in the message that is delivered to the public and media.
- b. Non-routine requests concerning interpretations, policy, procedures, regulations, standards, laws or criminal/willful citations shall be referred to the Program Director or Director of Cooperative Programs. In any case, Directors must follow-up with the Public Relations Coordinator after any media contact.

4. Contacts Involving Elected Officials

Each contact will be handled as directed by the Commissioner.

Jeffery D. Brown
Commissioner

Attachment: None

Distribution: Commissioner of Labor and Industry
Chief Deputy Commissioner
Directors and Managers
VOSH Compliance Staff
Cooperative Programs Staff
Legal Support Staff
OSHA Regional Administrator, Region III